IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3582 OF 2006

Mr. Abdulla Dosan Agloria and anr. ..Petitioners

Vs.

Mr. Mohammed Yakoob Shaikh and ors. ..Respondents

Mr. A.M. Saraogi for petitioners.
Mr. Anuj Narula for respondents.

CORAM: B.H. MARLAPALLE, J.

Date : August 1, 2006.

P.C.:

1. Heard Mr. Saraogi the learned counsel for the petitioners. The petitioners impugn the order dated 21/3/2006 passed by the learned Judge of the City Civil Court at Mumbai dismissing Chamber Summons No.123 of 2006 in L.C. Suit No.3530 of 2005. By the said Chamber Summons the petitioners/plaintiffs sought to change the number of the suit property from CTS No.672/A to CTS No.620/A/2/2 and based on Deed of Rectification purportedly signed on or about 1/10/2005. It was contended by them that the typographical mistake of giving number of the suit property as CTS No.672/A was required to be corrected

and the correct number of the suit property would be CTS No.620/A/2/2.

2. Apart from the reasoning given by the learned Judge of the City Civil Court, with the help of the learned counsel for the respondent I have gone through the description of the suit property including the area as set out in the plaint, a sketch at Exh."D", a copy of the lease at Exh."C" as well as the area of CTS No.620/A/2/2 and I am satisfied that the contentions of the plaintiffs that it was a clerical mistake cannot be accepted and they have been rightly discarded by the court below.

3. Hence, this petition fails and the same is hereby rejected.

(B.H. Marlapalle,J.)